

INVENTORSHIP DECLARATION BY JOINT INVENTORS

I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are stated next to my name in PART A on hereof.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

PLANT SELECTABLE MARKER AND PLANT TRANSFORMATION METHOD

the specification of which:

is attached hereto.

was filed on August 17, 2001 as Application Serial No. 09/932,328.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed in PART B hereof and have also identified in PART B on hereof any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

I hereby claim the benefit under Title 35, United States Code §119(e) and §120, of any United States application(s) listed in PART C hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and any national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all telephone calls to Peter J. Dehlinger at (650) 838-4401. Address all correspondence to:

Perkins Coie LLP
P.O. Box 2168
Menlo Park, CA 94026
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04/03/02 WED 18:35 FAX 650

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Atto. v Docket No. 50665-6009.US01

INVENTORSHIP DECLARATION BY JOINT INVENTORSPART A: INVENTOR INFORMATION AND SIGNATUREFull name of FIRST inventor: Raymond L. RodriguezCitizenship: U.S.A. Post Office Address: 3017 Anza Avenue
Davis, CA 95616Residence (if different): Same

Inventor's Signature:

Raymond L. RodriguezDate: 4/4/02Full name of SECOND inventor: Ning HuangCitizenship: China Post Office Address: 1226 Caricia Drive
Davis, CA 95616Residence (if different): Same

Inventor's Signature:

Date:

PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a-d)Country App. No. Filing DatePART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION
UNDER 35 U.S.C. §119(e) AND 120

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
09/344,430	06/25/99	<input checked="" type="checkbox"/> Allowed
60/090,896	06/25/98	<input checked="" type="checkbox"/> Abandoned

INVENTORSHIP DECLARATION BY JOINT INVENTORS

PART A: INVENTOR INFORMATION AND SIGNATURE

Full name of FIRST inventor: Raymond L. Rodriguez

Citizenship: U.S.A. Post Office Address: 3017 Anza Avenue
Davis, CA 95616

Residence (if different): _____

Inventor's Signature: _____ Date: _____

Full name of SECOND inventor: Ning Huang

Citizenship: China Post Office Address: 1226 Caricia Drive
Davis, CA 95616

Residence (if different): _____

Inventor's Signature:  Date: Nov. 7, 2001

PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a-d)

<u>Country</u>	<u>App. No.</u>	<u>Filing Date</u>
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**PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION
UNDER 35 U.S.C. §119(e) AND 120**

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
09/344,438	06/25/99	<input checked="" type="checkbox"/> Allowed
60/090,896	06/25/98	<input checked="" type="checkbox"/> Abandoned

Whereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box Sequence, P. O. Box 2327, Arlington, VA 22202, on:

Date: April 5, 2002

By: Symea B. Anderson

Docket No. 50665.8009.US01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	Rodriguez and Huang	EXAMINER:	Unknown
SERIAL NO.:	09/932,328	ART UNIT:	1638
FILED:	August 17, 2001	CONFIRMATION NO.	4810
FOR:	PLANT SELECTABLE MARKER AND PLANT TRANSFORMATION METHOD		

Power of Attorney by Assignee and Certification
Under 37 CFR 3.73(b)

Box Sequence
Assistant Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 2327
Arlington, VA 22202

Sir:

I, the undersigned, acting on behalf of the Assignee of the entire right, title and interest in the above-identified patent application, appoint the attorneys and agents listed below to prosecute this application and transact all business with the U.S. Patent and Trademark Office in connection therewith. This appointment is to the exclusion of the inventor(s) and their attorney(s) and agent(s) in accordance with the provisions of 37 CFR 3.71.

All prior powers of attorney for this application are hereby revoked. The Assignee hereby appoints JERRY A. RIEDINGER, Registration No. 30,582; MAURICE J. PIRIO, Registration No. 33,273; MICHAEL D. BROADDUS, Registration No. 41,637; CATHERINE HONG TRAN, Registration No. 43,960; ROBERT G. WOOLSTON, Registration No. 37,263; PAUL T. PARKER, Registration No. 38,264; JOHN M. WECHKIN, Registration No. 42,216; CHRISTOPHER DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; JAMES A.D. WHITE, Registration No. 43,985; EDWARD S. HOTCHKISS, Registration No. 33,904; JAMES NICKELSON, Registration No. 46,140; MARK A. THOMAS, Registration No. 37,953; BRETON A. BOCCHIERI, Registration No. 31,739;

Serial No. 09/932,328

Attorney Docket No. 50665.8009.US01

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Customer No. 22918

In accordance with 37 CFR 3.73(b), I hereby certify that I am empowered to act on behalf of the Assignee. To the best of my knowledge and belief, title is in the Assignee, as evidenced by the Assignment noted above.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC/ 1001 and that such willful false statements may jeopardize the validity of this application or any patent resulting therefrom.

ASSIGNEE: Applied Phytologics, Inc.
Signature: Ning Huang
Typed Name: Ning Huang
Title: Vice President of Res & Develop
Date: 4/5/02
Address: 4110 North Freeway Boulevard
Sacramento, CA 95834